

of Columbia, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. CARDIN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE), and the Senator from South Dakota (Mr. ROUNDS).

The yeas and nays resulted—yeas 54, nays 40, as follows:

[Rollcall Vote No. 278 Ex.]

YEAS—54

Baldwin	Grassley	Padilla
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Blunt	Hickenlooper	Rosen
Brown	Hirono	Sanders
Cantwell	Kaine	Schatz
Capito	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Leahy	Smith
Coons	Lujan	Stabenow
Cornyn	Manchin	Tester
Cortez Masto	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Feinstein	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Ossoff	Wyden

NAYS—40

Barrasso	Hoeven	Rubio
Blackburn	Hyde-Smith	Sasse
Boozman	Johnson	Scott (FL)
Braun	Kennedy	Scott (SC)
Burr	Lankford	Shelby
Cassidy	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Paul	Wicker
Fischer	Portman	Young
Hagerty	Risch	
Hawley	Romney	

NOT VOTING—6

Booker	Crapo	Murray
Cardin	Inhofe	Rounds

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 54, the nays are 40.

The motion is agreed to.

The Senator from Rhode Island.

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the following nomination: Calendar No. 165.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination Frank Kendall III, of Massachusetts, to be Secretary of the Air Force.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be

considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Kendall nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF HELAINE ANN GREENFELD AND CHRISTOPHER H. SCHROEDER

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request relating to the nomination of Helaine Ann Greenfeld, to be an Assistant Attorney General at the Department of Justice, PN459, and Christopher H. Schroeder, to be an Assistant Attorney General at the Department of Justice, PN370.

Last week, at the Senate Judiciary Committee's executive business meeting, I noted my intent to vote for both nominees but object to any unanimous consent request for their confirmation. Ms. Greenfeld will lead the Justice Department's Office of Legislative Affairs and Mr. Schroeder will lead the Justice Department's Office of Legal Counsel. Both of these components are at the heart of my congressional oversight requests and the Department's failure to respond. I have made this decision clearly not on the basis of their credentials but on the basis of the Justice Department's failure to respond to congressional oversight requests.

To date, the Justice Department has failed to provide a full and complete response to any of my oversight requests. I said the same thing when I objected to any unanimous consent request relating to the Kenneth Polite nomination on June 22, 2021. Nothing has changed.

For example, on July 15, 2021, my staff had yet another call with the Justice Department's Office of Legislative Affairs, the very office Ms. Greenfeld will be in charge of. On that call, the Department wanted to know why I had a hold on Mr. Polite and whether they could do anything to change my mind. My staff made clear to the Department that the issues before them are quite

simple: Attorney General Garland must respond to my oversight letters and records requests.

The Department asked for that call with my staff, and the Department did not provide my staff a substantive update on any of my oversight requests. It is absurd for the Department to schedule a call relating to my hold on Mr. Polite, which was done due to the Department's consistent failure to respond to my oversight requests, and then have no updates relating to any of my oversight requests.

As one of many examples of unanswered questions and requests, on February 3, 2021, and March 9, 2021, Senator JOHNSON and I requested information from the Justice Department relating to Nicholas McQuaid. Mr. McQuaid was Acting Assistant Attorney General for the Criminal Division, the position Mr. Polite now holds. In those letters, we raised concerns about potential conflicts of interest in light of the fact that Mr. McQuaid was employed at Latham & Watkins until January 20, 2021, and worked with Christopher Clark, whom Hunter Biden reportedly hired to work on his Federal criminal case.

This arrangement presents an ongoing potential conflict of interest given the fact Mr. McQuaid is still employed at the Criminal Division as the Principal Deputy Assistant Attorney General. A core function of congressional oversight is to ensure that governmental departments and agencies are free of conflicts of interest. That is especially so with the Justice Department and FBI. If conflicts infect them, those investigations and prosecutions—the very purpose of the Department's existence—could be undermined.

As a part of my oversight, I have requested a recusal memo for Mr. McQuaid. I have also requested to know, as a threshold issue, whether one even exists.

Attorney General Garland has failed to answer and provide the requested records. I have noted to the Department that in 2016, I received from the Department Andrew McCabe's recusal memo to illustrate precedent exists for such a production to Congress. Still, the Justice Department refuses to provide the same for Mr. McQuaid.

On the July 15, 2021, call with my staff, they again raised my questions about Mr. McQuaid. The Department was unable to provide any legitimate basis upon which it could not answer my questions and again failed to provide any update on the Department's response.

As I have noted before with respect to the Federal Government's failure to respond to legitimate congressional oversight requests, there is nothing more eroding of public faith than an unresponsive executive branch that believes it only answers to the President and not the U.S. Congress and, perhaps most importantly, "We the People."

This administration's continued, ongoing, and blatant lack of cooperation has again forced my hand.

Thus, unfortunately, I must object to any consideration of these nominees. My objection is not intended to question the credentials of Ms. Greenfeld and Mr. Schroeder in any way. The executive branch must recognize that it has an ongoing obligation to respond to congressional inquiries in a timely and reasonable manner.

EQUAL JUSTICE INITIATIVE'S COMMUNITY REMEMBRANCE PROJECT

Ms. BALDWIN. Mr. President, today I rise to recognize the installation of a historical marker in the Good Hope Missionary Baptist Church yard on August 1, 2021, that will memorialize the life and death of three citizens who were lynched in 1908. This month, my constituent, Ms. Joyce Salter Johnson, will travel with friends and family from Wisconsin to Mississippi to honor her relative Frank Johnson, as one of those three men who were violently murdered in Hickory, MS.

This historical marker is part of the important work being done by the Equal Justice Initiative in honoring and memorializing lives lost to racial violence in this country through its Community Remembrance Project. With its mission to end mass incarceration and excessive punishment in the United States, challenge racial and economic injustice, and protect basic human rights for the most vulnerable, the Equal Justice Initiative has been working to expose the truth, advocate for change, and create hope for historically marginalized communities. Lawyer and author Bryan Stevenson founded Equal Justice Initiative in 1989, and since then, it has grown to an organization of robust projects, hands-on education, and publically accessible museums and memorials. In April of 2018, following in the footsteps of the late Dr. James Cameron of Milwaukee's Black Holocaust Museum in my home State of Wisconsin, the Equal Justice Initiative—EJI—opened America's first national memorial dedicated to victims of racial terror lynching and a new museum dedicated to slavery and its legacy was opened in Montgomery, AL.

EJI's Community Remembrance Project partners with community coalitions to do extensive research of documented victims of racial violence. EJI fosters critical conversations about our history and race and justice today. The Community Remembrance Project memorializes documented victims of racial violence and its Community Soil Collection Project gathers soil at lynching sites for display in powerful exhibits honoring these victims. Narrative historical markers are erected in public locations where violence took place.

My constituent, Wisconsin resident Joyce Salter Johnson, is a historian whose third book provides a well-researched history of the Freedmen Settlement of Good Hope, MS, where she

lived until the age of 10. Thus, prior to EJI's documentation, she knew the terrible sequence of events that led to the October 10, 1908, lynching of her relative, Mr. Frank Johnson, and the two others. Given her knowledge, research skills, and inclinations, she was well-suited to take leadership among the coalition members working on the Community Remembrance Project for these men, and for that, I am thankful.

I commend the work of the Equal Justice Initiative and all who help further the Community Remembrance Project's mission of confronting the legacy of slavery, lynching, and segregation and charting a better future. And I extend my solidarity to Ms. Johnson and her family and friends on their personal journey of remembrance and memorial.

ADDITIONAL STATEMENTS

RECOGNIZING BIRD DOGS COFFEE

• Mr. PAUL. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Kentucky small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Bird Dogs Coffee, a family-owned small business in Owenton, KY, as the Senate Small Business of the Week.

Located in the heart of Owenton, Kasey Craigmyle Towles opened Bird Dogs Coffee in 2015. Kasey, who grew up in Owenton and was the founder and operator of "Kasey's Corner," a successful gift shop, decided to pursue a different business venture that would uplift her hometown and foster a sense of community. When Bird Dogs Coffee opened its door, Kasey and her husband, Randy, were seizing the opportunity to fill a gap in the Owenton market since there was not a coffee shop in town. Together, Kasey and Randy created a welcoming cafe with delicious food, friendly service, and a hospitable atmosphere.

Today, Bird Dogs Coffee has become a local favorite and has consistently received high praise and glowing reviews in local and regional publications for its outstanding service and homemade cuisine. Bird Dogs Coffee welcomes customers from all over northern Kentucky by providing a place for both locals and travelers to catch up over a cup of coffee. Kasey and Randy host a number of events at their coffee shop, including live music and wine and beer tastings. Moreover, Bird Dogs Coffee provides a meeting space for local organizations like the Owenton Rotary Club. Entrepreneurs at heart, Kasey and Randy have continued seeking ways to grow their business while serving their community. They have purchased buildings next to Bird Dogs Coffee's original location and plan to open an event space and expanded gift shop to meet the needs of their hometown.

Like many small business owners, Kasey and Randy are actively involved in their community. Bird Dogs Coffee is a member of the Owen County Chamber of Commerce and is an enthusiastic supporter of the Owen County Tourism Commission. For several years, Bird Dogs Coffee has sponsored Owen County School District sports teams and contributed to multiple fundraisers for local organizations. Additionally, Kasey and Randy regularly donate to Owen County Project Graduation, which provides an alcohol- and drug-free graduation celebration for local high school seniors. With Owen County High being close to their hearts, Kasey and Randy are also actively involved with the Owen County High School Alumni Association.

Bird Dogs Coffee is a remarkable example of how hard work, ingenuity, and discipline can turn a dream into reality. Small businesses like Bird Dogs Coffee form the heart of towns across Kentucky, regularly stepping up to support their communities. Congratulations to Kasey, Randy, and the entire team at Bird Dogs Coffee. I wish Bird Dogs Coffee the best of luck and look forward to watching this small business's continued growth and success in Kentucky. •

REMEMBERING DAVID MERMELSTEIN

• Mr. SCOTT of Florida. Mr. President, I rise today to commemorate the life and legacy of David Mermelstein.

David was born in Kevjazz, Czechoslovakia, on December 21, 1928. In 1944, at just 16 years old, David was sent to the Nazi concentration camp at Auschwitz until the American liberation of the camp in 1945. He was the only member of his family to survive the Holocaust. David lost everything, including documentation of his family's insurance policy. After 2 years in a displaced persons camp, David came to the United States in 1948. He met his wife, Irene, who is also a Holocaust survivor, in New York. Together, they decided to move to Miami, FL, where they made a lifelong home.

David devoted his life to serving the south Florida Jewish community, assuming leadership roles in many organizations. He was passionate about educating our children about the Holocaust. He founded the Holocaust Survivors of Miami-Dade County, becoming a national advocate for survivors and testifying before Congress on their behalf on the need for restitution to obtain the most equitable compensation possible for the survivors.

David lived through unspeakable horror and dedicated his life to educating and inspiring those around him. Our memory of all those who suffered must never weaken, and we must always fight against hate.

David was beloved by all who knew him. He was a fierce advocate and an inspiration to all who heard his story. David exemplified what it means to